

**50 Nota Benes in Tender and Contract Documentation**

by

Mr. TANG Ki-cheung, FHKIS, RPS(QS), AVS, FSZCEA, MHKIVM, Managing Director of K C Tang Consultants Ltd. (Quantity Surveyors . Construction Cost and Contract Consultants), with over 35 years' professional experience in quantity surveying

**General**

1. Identify the ultimate purposes of preparing tender documents and serve the purposes
2. Comply with client's procedures
3. Determine appropriate tender packages and tendering programme
4. Choose appropriate contractual arrangement and understand their different implications
5. Observe confidentiality
6. Avoid and declare conflict of interest
7. Ensure fair competition
8. Do not trust computer (... user)

**Documentation generally**

9. Identify which standard documents and templates to use
10. Ensure adequate representation
11. Avoid ambiguities, discrepancies, inconsistent terminology, etc.
12. Avoid repetition of same provisions at different parts of documents
13. Check correct page headers, footers, covers, contents, page numbers, item references, etc., correct use of units, correct cross referencing of document, page and clause numbers

**Tender documentation**

14. State deviations from standard form of contract, standard specification, standard method of measurement, etc.
15. Notify Client of important features and seek approvals
16. Allocate risks appropriately
17. Watch out that harsh terms may not be workable
18. Check specified brands and models are still in production
19. Be specific as to which one to choose out of the different choices available from the standard
20. Define possession, commencement and completion times and phases properly
21. Estimate genuinely the rates of liquidated damages for delay
22. Specify procurable types of bonds and set affordable level of bond amounts
23. Set procurable levels of insurance excesses
24. Check descriptions of Bills of Quantities or Schedule of Rates sufficiently cover and match with requirements on Specification and Drawings
25. Divide into smaller items for pricing if a bigger item is likely to be partially varied
26. Avoid small provisional quantities
27. Ensure that prime cost rates are set at appropriate levels
28. Ensure that the correct Prime Cost and Provisional Sums are carried forward to the Summary
29. Specify as optional if firm quantity items are likely to be omitted or added

**Tendering**

30. Choose suitable tenderers

31. Give sufficient time for tendering
32. Give common answers to queries raised by one to all tenderers
33. Disregard late tenders

**Tender analysis**

34. Check sufficiency of tender submissions
35. Check arithmetic
36. Review qualifications
37. Check compatibility of submitted programmes with specified requirements
38. Check suitability of specifically stated delivery and installation periods
39. Rationalize incorrectly high or low rates
40. Watch out rates for items with small quantities, and watch out rates for dayworks and mark-ups
41. Watch out uninvited changes to tender sums or rates and prices, and post tender exclusions

**Contract award**

42. Award to tenders financially and technically capable
43. Award within the tender validity period
44. Choose properly between letter of intent and letter of acceptance
45. Ask for signed Form of Warranty before accepting a sub-contract tender
46. Specify how discounts should be applied, and ensure discounted all-in rates not lower than prime cost rates
47. List out documents to form the Contract Documents
48. Ask for counter-signature
49. Sign formal contract documents before things go sour
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